

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roman Coppola

Application No.: 10/568,656

Filed: 02/15/06

For: Inflatable Photographic Structure

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Application No.: 10/568,656

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For: Inflatable Photographic Structure

Group No.: 2851

Examiner: Liu, Michael

Mail Stop Appeal Briefs – Patents**Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450****TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION--37 C.F.R. § 41.37)**

1. Transmitted herewith, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on February 27, 2008.

2. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

small entity	\$255.00
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Appeal Brief fee due	\$255.00
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4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	\$255.00
Extension fee (if any)	\$0.00

TOTAL FEE DUE	\$255.00
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6. FEE PAYMENT

Authorization is hereby made to charge the amount of \$255.00 to Deposit Account No. 500341.

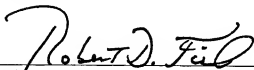
A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 500341.

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3/20/08



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT 2851

EXAMINER: Liu, Michael

APPELLANT: Coppola, Roman

SERIAL NO. 10/568656

FILED: February 15, 2006

FOR: Inflatable photographic structure

ART UNIT: 2851

MS Appeal Brief - Patents

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Attention: Board of Patent Appeals and Interferences

APPELLANT'S BRIEF UNDER 37 CFR § 41.37

This brief follows the appellant's Notice of Appeal filed in this matter on February 27, 2008.

The fees required under § 41.20, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains the following items under the headings in the order here indicated:

- I. Real Party in Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal

VII. Argument

VIII. Claims Appendix

IX. Evidence Appendix

X. Related Proceedings Appendix

I. Real Party in Interest

The real party in interest is Roman Coppola.

II. Related Appeals and Interferences

There are no other appeals or interferences in this matter known to appellant.

III. Status of Claims

1. Claims pending: 1, 4, 6-13, and 19-23;
2. Claims withdrawn: none;
3. Claims canceled: 2-3, 5, and 14-18;
4. Claims rejected: 1, 4, 6-13, and 19-23;
5. Claims objected to: 19; and
6. Claims on appeal: 1, 4, 6-13, and 19-23.

IV. Status of Amendments

The claims were rejected in the final Office action mailed December 14, 2007 based on amendments entered in response to non-final Office action mailed June 15, 2007. In the Final Action dated December 14, 2007, claim 19, *inter alia*, was objected to because of the following informality: "...the inside the cavity" has a grammatical mistake and should be revised to "...the inside of the cavity." (*See* Final Office Action, page 2, ¶ 2). An amendment after final was filed under 37 C.F.R. § 1.116(b)(2) on February 27, 2008, adopting the Examiner's suggestion as to the form of claim 19. The Applicant is unsure whether the amendment after final will be entered

by the time this brief is submitted. Section IX therefore recites the claims as entered/pending and under final rejection as if the response after final was entered.

V. Summary of Claimed Subject Matter

A) **Independent claim 1** recites a photographic system, comprising:

- a) An inflatable structure (Spec. page 3/L2-4) that defines a cavity sufficiently large to contain a plurality of people, props, and equipment (Spec. page 3/L30-32 and FIGS. 1-2, numeral 100 and 200, respectively); and
- b) wherein the structure comprises a translucent wall (Spec. page 3/L13-25) that is colored to produce a uniform chroma key colored backdrop (Spec. page 4/L10-24) to a subject being photographed from inside the cavity (Spec. page 6/L21-24, and FIG.2).

B) **Independent claim 19** recites a photographic method, comprising:

- a) providing an inflatable structure that defines a cavity (Spec. page 3/L2-4, and FIGS 1-3; and also Spec. page 7/L3-15 and FIG. 4) having a wall colored to produce a chroma key colored background (Spec. page 4/L10-24; and also Spec. page 7/L3-11 and FIG 4);
- b) positioning a camera and a subject inside the cavity (Spec. page 7/L16-26 and FIG. 4);
- c) illuminating the subject with artificial lighting transmitted through the wall (Spec. page 5/L16-22 and Spec. page 7/L5-6); and
- d) photographing the thus illuminated subject against the background from the inside of the cavity (Spec. page 7/L4-32).

VI. Grounds of Rejection to be Reviewed On Appeal

A. Rejection of claims 1, 6-8, 10, and 11 under 35 U.S.C. 103(a) as being unpatentable over Leary (US 6061969) in view of Oles (US 5946500).

B. Rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles as applied to claim 1, and further in view of Huebner (US 6343184).

C. Rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles as applied to claim 1, and further in view of Siemens (US 6282842).

D. Rejection of claims 1, 6, 8, and 10-13 under 35 U.S.C. 103(a) as being unpatentable over Sadler (US 4164829) in view of Riordan (US 4103369) and further in view of Oles.

E. Rejection of claims 19, 20, and 22 under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles and further in view of Huebner.

F. Rejection of claim 21 under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19, and further in view of Aptekar (US 2005/0144018).

G. Rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19, and further in view of Sadler.

VII. ARGUMENT

A. Rejection of Claims 1, 6-8, 10, And 11 Under 35 U.S.C. 103(A) As Being Unpatentable Over Leary (Us 6061969) In View Of Oles (Us 5946500).

The Office's rejection of claims 1, 6-8, 10, and 11 should be withdrawn. The Office failed to establish a *prima facie* showing of obviousness because there is no teaching, suggestion, or motivation in the combination of Leary or Oles to practice a photographic system as currently claimed.

It is well recognized that the factual inquiry whether to combine references must be based on objective evidence of record. See, e.g., *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000) ("a showing of a suggestion, teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding'"). The courts have held that "...teachings of references can be combined only if there is some suggestion or incentive to do so." (quoting *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)). Indeed, particular findings must be made as to the reason the skilled artisan, with no knowledge of the

claimed invention, would have selected these components for combination in the manner claimed (see, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)). Thus, the Office can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992).

In this case, claim 1 recites a photographic system having, *inter alia*, the following limitations: (1) an inflatable structure; (2) that defines a cavity sufficiently large to contain a plurality of people, props, and equipment; and (3) wherein the structure comprises a translucent wall; (4) that is colored to produce a uniform chroma key colored backdrop; (5) to a subject being photographed from inside the cavity. Thus, claim 1 requires the Office to find a reference or proper combination of references that teach, suggest or motivate one of ordinary skill in the art to practice a photographic system having the above limitations. To date, the Office has failed to provide such a showing.

In regards to limitation (4) above, the Office relies on the word, “pigmented,” to presumably stand for the proposition that Leary’s structure comprises a wall that is colored to form a uniform chroma key colored backdrop. *Id.* at C5:L62. It is true that the wall of Leary may be colored (i.e. pigmented), but that is not what is claimed. What is claimed is a wall that is “colored to produce a uniform chroma key colored backdrop.” A chroma key color is a color that is “suitable for use in a background replacement method.” See Coppola Spec. page 4, 1st full paragraph. Such replacement methods look at the luminescence of a particular color, that is, everything over (or under) a set brightness level is keyed out and replaced by another image. Wordsmyth online defines “chroma” as “the purity or degree of saturation of a color.” Thus, a chroma key colored backdrop is a colored backdrop that has particular qualities that enable it to be used in a background replacement method. Consequently, it should be understood that Coppola’s chroma key color is not a subset of Leary’s pigment, but is entirely inconsistent with Leary’s pigment.

Leary’s motivation to use a pigmented wall is to control the degree of light transmission into the structure, whereas Coppola’s chroma key colored wall is to provide a suitable backdrop

for a background replacement method. There is absolutely no indication anywhere in Leary to use a chroma key colored wall, and therefore no teaching, suggestion or motivation. In fact, Leary's solution is completely adequate, and thus a person of ordinary skill in the art would not have contemplated coloring Leary's inner wall with a chroma key color.

The Office cites Oles at C4:L25-28 for teaching a wall that is colored to produce a uniform chroma key colored backdrop of blue or green. The Office's stated rationale for combining Leary with Oles is that, "it would have been obvious ... to use the chroma background ... of Oles in the inflatable structure of Leary, for the purpose of forming a more desirable panoramic background with the chroma replacement." (Final Office Action, page 3, L4). However, this mere conclusory statement is simply not sufficient to provide the requisite teaching, suggestion, or motivation to combine Leary with Oles. In fact, Oles never mentions anything about using the device with an inflatable structure for the purpose of forming a more desirable panoramic background. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). What the Office is doing here is exactly what the Court in *Kahn* warned against.

Still further, a person of ordinary skill in the art would not have been motivated to combine the teachings of Leary with Oles because the cited combination would simply not work. As currently claimed, Coppola requires that the wall is colored to produce a "uniform ... backdrop." In the specification, it is pointed out that "the background can be re-textured so that the surface texture is substantially the same over the entire surface," and "seams detract from the uniformity of the background and therefore fewer seams are preferred especially in areas that are likely to be captured by the camera." Coppola Spec., page 4:L21-24. The biggest challenge when setting up a blue-screen or green-screen is even lighting and the avoidance of shadow, because it is ideal to have as narrow a color range as possible being replaced. http://en.wikipedia.org/wiki/Chroma_key. Hence, irregularities in the surface of background, such as uneven texture or surface indentations would cause the backdrop to be unsuitable for use in the background replacement method. In deed, Leary discloses that "the outer wall 34 and inner wall 36 (see FIG. 3) ... are spot welded together at the apex 20 of the greenhouse 10 and at

numerous points 16 throughout the walls in a pattern which lends to the structural rigidity of the greenhouse 10 when inflated.” Leary Spec. at C4:L12-17. As such, the cited combination would not render claim 1 obvious, since Leary’s inner wall has surface irregularities (i.e. indentations) that would cause shadowing. *See* Leary FIG. 3. Therefore, a person of ordinary skill in the art would not be motivated to combine the teachings of Leary with Oles.

In sum, each of Leary and Oles convey to one of ordinary skill in the art that they have completely solved their respective problems, and thus one of ordinary skill in the art would not be motivated to combine the two solutions, each of which supposedly provides a complete solution to their respective problems. Leary’s device apparently works just fine, without a wall that is colored to produce a chroma key colored backdrop. And Oles works just fine without using an inflatable structure. As such, Leary and Oles both fail to suggest or motivate a person of ordinary skill in the art to combine their teachings to arrive at the subject matter as currently claimed. Still further, a person of ordinary skill in the art would not be motivated to use Leary’s inflatable structure and Oles’ chroma key colored background because that combination simply fails to provide a suitable backdrop for a background replacement method. This is critical, because the Office has the initial burden to show a teaching, suggestion, or motivation to combine. The burden only shifts to the Applicant once the Examiner’s burden has been satisfied. In this case, the Office failed to meet the initial burden of showing a teaching, suggestion, or motivation to combine Leary and Oles. Thus, the Office is using impermissible hindsight to combine specific elements from completely different references, to produce a combination for which there is absolutely no teaching, suggestion, or motivation.

Claims 6-8, 10 and 11 are all allowable (among other things) by virtue of their dependency upon allowable claim 1.

B. Rejected Of Claim 4 Under 35 U.S.C. 103(A) As Being Unpatentable Over Leary In View Of Oles As Applied To Claim 1, And Further In View Of Huebner (US 6343184).

Here again, the rejection of claim 4 should be withdrawn since the Office failed to establish a *prima facie* showing of obviousness.

As discussed above, the combination of Leary and Oles fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 1. Similarly, Huebner adds nothing further to the analysis. Huebner fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop. Still further, the Office failed to cite any common knowledge that could be combined with the combination of Leary, Oles, and Huebner to practice the invention as recited in independent claim 1. Thus, the combination of Leary, Oles, and Huebner does not render claim 1 obvious. Moreover, claim 4 is dependent upon allowable claim 1, and it is logically impossible for claim 4 to be obvious when claim 1 is allowable. As such the rejection of claim 4 should be withdrawn.

C. Rejection Of Claim 9 Under 35 U.S.C. 103(A) As Being Unpatentable Over Leary In View Of Oles As Applied To Claim 1, And Further In View Of Simens (US 6282842).

Again, the Office failed to establish a *prima facie* showing of obviousness with respect to the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles as applied to claim 1, and further in view of Simens (US 6282842).

As discussed above, the combination of Leary and Oles fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 1. Similarly, Simens adds nothing further to the analysis. Simens fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop. Still further, the Office failed to cite any common knowledge that could be combined with the combination of Leary, Oles, and Simens to practice the invention as recited in independent claim 1. Thus, the combination of Leary, Oles, and Simens does not render claim 1 obvious. Moreover, claim 9 is dependent upon allowable claim 1, and it is logically impossible for claim 9 to be obvious when claim 1 is allowable. As such the rejection of claim 9 should be withdrawn.

D. Rejection Of Claims 1, 6, 8, And 10-13 Under 35 U.S.C. 103(A) As Being Unpatentable Over Sadler (US 4164829) In View Of Riordan (US 4103369) And Further In View Of Oles.

Yet again, the Office failed to establish a *prima facie* showing of obviousness with respect to the combination of Sadler, Riordan, and Oles as applied to claims 1, 6, 8, and 10-13.

Once more, the courts have held that "...teachings of references can be combined only if there is some suggestion or incentive to do so." (quoting *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)). Indeed, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed (see, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)). Thus, the Office can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992).

First, the Office relies on Sadler to teach (1) an inflatable structure (2) that defines a cavity sufficiently large to contain a plurality of people, props, and equipment. Sadler Spec. at C4:L40-43 (Final Office Action, page 4). Notably, Sadler fails to teach (1) a translucent wall (2) that is colored to produce a uniform chroma key colored backdrop. Instead, Sadler teaches that the wall of the structure has two layers that are opaque. *Id.* at C2:L35-45. Specifically, Sadler discloses that the "first layer which faces into the interior of the structure has a white surface, while the second layer has a black surface, the overall material being opaque." *Id.*

The Office states that "Sadler does not disclose expressly the structure having a translucent wall." (Final Office Action, page 4). In fact, Sadler not only fails to expressly disclose a translucent wall, but also fails to inherently disclose a translucent wall. To establish inherency, the evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). In this case, a person of ordinary skill in the art would not recognize that a translucent wall is inherently contained in Sadler. Sadler's motivation to use an opaque wall is to provide an inner surface that is suitable

for image projection, rather than to provide a wall that is suitable for background replacement, and also one that is capable of allowing transmission of light from the exterior (to reduce shadowing problems inherent with direct lighting). Consequently, Sadler teaches away from using a translucent wall, and as a result a person skilled in the art would not expect Sadler's inner wall to be suitable for use in background replacement.

Next, the Office relies on Riordan for teaching an inflatable structure that comprises a "translucent wall." *Id.* at C5:L62. The Office's position is that "it would have been obvious to one of ordinary skill in the art to make the inflatable structure of Sadler have a translucent inner wall, as done in Riordan, for the purpose of providing an environment that is soothing and conducive to concentration by student." This position is simply untenable. *Prima facie* obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997). As discussed above, a person of ordinary skill in the art would not be motivated to combine the teachings of Sadler with Riordan because Sadler expressly teaches away from using a translucent wall. Thus, the combination of Sadler and Riordan is improper.

Still further, the Office relies on Riordan for teaching a translucent wall that is "of blue color." Final Office Action, page 4 (Riordan Spec. at C3:L64-66). Presumably, the office's position is that since Riordan's wall is preferably of a blue color, that this supplies the necessary teaching, suggestion, or motivation to combine Riordan's translucent wall with Oles chroma keyed colored backdrop. In support of this position the Office argues that "it would have been obvious to one of ordinary skill in the art to use the chroma background for photographing a subject of Oles in the inflatable structure of Sadler as combined, for the purpose of forming a more desirable panoramic background." See Final Office Action, page 5, 3rd full paragraph. This position is unsupported by the objective teachings of Riordan and Oles and is merely the type of conclusory statement that the Court in *Kahn (supra)* warned against.

On the contrary, Riordan fails to provide the requisite teaching, suggestion, or motivation to combine Riordan with Oles. It is true that the wall of Riordan may be colored blue, but that is not what is claimed. What is claimed is a wall that is "colored to produce a uniform chroma key colored backdrop." As discussed above, a chroma key color is a color that is "suitable for use in

a background replacement method.” See Coppola Spec. page 4, 1st full paragraph. Such replacement methods look at the luminescence of a particular color, that is, everything over (or under) a set brightness level is keyed out and replaced by another image. Thus, a chroma key colored backdrop is a colored backdrop that has particular qualities that enable it to be used in a background replacement method. Consequently, it should be understood that Coppola’s chroma key color is not a subset of Riordan’s blue color, but is entirely inconsistent with Riordan’s blue color.

Riordan’s motivation to use a blue wall is to provide a diffused blue light into the interior of the structure, which has been found soothing and conducive to concentration by students Riordan Spec. at C3:L64-67. However, there is absolutely no indication anywhere in Riordan to use a chroma key colored wall, and therefore no teaching, suggestion or motivation. In fact, Riordan’s solution is completely adequate (i.e. blue wall provides blue light to sooth...), and thus a person of ordinary skill in the art would not have contemplated coloring Riordan’s inner wall with a chroma key color for the purpose of background replacement.

Still further, a person of ordinary skill in the art would not have been motivated to combine the teachings of Riordan with Oles because the cited combination would simply not work. As discussed above, claim 1 requires that the wall is colored to produce a “uniform ... backdrop.” Hence, irregularities in the surface of background, such as uneven texture or surface indentations would cause the backdrop to be unsuitable for use in the background replacement method. In deed, Riordan discloses that “as the structure becomes fully inflated, the upper portion assumes the shape generally as illustrated in FIG. 1.” Riordan Spec. at C3:L37-39. Figure 1 appears to show many surface irregularities, and in any event has multiple seams that would prevent Riordan’s wall from being suitable for background replacement due its lack of uniformity. As such, the cited combination would not render claim 1 obvious.

In sum, each of Sadler, Riordan and Oles convey to one of ordinary skill in the art that they have completely solved their respective problems, and thus one of ordinary skill in the art would not be motivated to combine the two solutions, each of which supposedly provides a complete solution to their respective problems. Sadler’s device apparently works just fine, without a transparent wall. Riordan’s device works without a chroma key colored wall, and Oles

works just fine without using an inflatable structure as taught by Sadler and Riordan. As such, Sadler, Riordan, and Oles fail to teach, suggest or motivate a person of ordinary skill in the art to combine their teachings to arrive at the subject matter as currently claimed.

Moreover, a person of ordinary skill in the art would not be motivated to use Sadler's inflatable structure, Riordan's transparent wall, and Oles' chroma key colored background because that combination simply fails to provide a suitable backdrop for the background replacement method. Prior art can be combined to reject claims as *prima facie* obvious as long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). However, as discussed above, the combination of Sadler with Riordan and Oles does not provide a reasonable expectation of success. Thus, the rejection of claim 1 over the combination of Sadler, Riordan, and Oles is improper and should be withdrawn.

Claims 6-8, 10-13 are all allowable (among other things) by virtue of their dependency upon allowable claim 1.

E. Rejection Of Claims 19, 20, And 22 Under 35 U.S.C. 103(A) As Being Unpatentable Over Leary In View Of Oles And Further In View Of Huebner.

The rejection of claims 19, 20, and 22 should also be withdrawn for the reasons discussed above, with respect to the rejection of claim 1 over Leary, Oles and Huebner because the Office failed to establish a *prima facie* showing of obviousness.

In this case, claim 19 recites a photographic method comprising, *inter alia*, "providing an inflatable structure that defines a cavity having a wall colored to produce a chroma key colored background ... and illuminating the subject with artificial lighting transmitted through the wall."

As discussed above, the combination of Leary and Oles fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 1. The same is true for claim 19. Huebner fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure having a wall colored to produce a chroma key colored backdrop. Again, the Office failed to cite any common knowledge that could be combined with the combination of Leary, Oles, and Huebner to practice the invention

as recited in independent claim 19. Thus, the combination of Leary, Oles, and Huebner does not render the claimed invention obvious as recited in independent claim 19. As such the rejection of claim 19 should be withdrawn.

Claims 20 and 22 are all allowable (among other things) by virtue of their dependency upon allowable claim 19.

F. Rejection Of Claim 21 Under 35 U.S.C. 103(A) As Being Unpatentable Over Leary As Combined As Applied To Claim 19, And Further In View Of Aptekar (US 2005/0144018).

Again, the Office failed to establish a *prima facie* showing of obviousness with respect to the rejection of claim 21 under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19, and in further view of Aptekar.

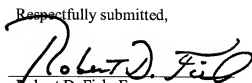
As discussed above, the combination of Leary, Oles, and Huebner fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 19. Similarly, Aptekar adds nothing further to the analysis. Aptekar fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure having a wall colored to produce a chroma key colored backdrop. Still further, the Office failed to cite any common knowledge that could be combined with the combination of Leary, Oles, Huebner, and Aptekar to practice the invention as recited in independent claim 19. Thus, the combination of Leary, Oles, Huebner, and Aptekar does not render the claimed invention obvious as recited in independent claim 19. Moreover, claim 21 is dependent upon allowable claim 19, and it is logically impossible for claim 21 to be obvious when claim 19 is allowable. As such the rejection of claim 21 should be withdrawn.

G. Rejection Of Claim 23 Under 35 U.S.C. 103(A) As Being Unpatentable Over Leary As Combined As Applied To Claim 19, And Further In View Of Sadler.

Yet again, the Office failed to establish a *prima facie* showing of obviousness with respect to the rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19, and in further view of Sadler.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Robert D. Fish". The signature is written in a cursive style with a large, looping initial "R".

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VIII. Claims Appendix

1. A photographic system, comprising:
 - an inflatable structure that defines a cavity sufficiently large to contain a plurality of people, props, and equipment; and
 - wherein the structure comprises a translucent wall that is colored to produce a uniform chroma key colored backdrop to a subject being photographed from inside the cavity.
- 2-3. (Cancelled)
4. The system of claim 1, further comprising a plurality of stage lights that illuminate the cavity from outside the structure.
5. (Cancelled)
6. The system of claim 1, wherein the inflatable structure is comprised of a plastic sheet.
7. The system of claim 6, wherein the plastic sheet is a vinyl.
8. The system of claim 7, wherein the vinyl has a thickness of at least 4 mils.
9. The system of claim 1, wherein the inflatable structure has a floor area of more than 20,000 sq. ft.
10. The system of claim 1, wherein the chroma key color is blue.
11. The system of claim 1, wherein the chroma key color is green.
12. The system of claim 1, wherein the inflatable structure has a floor portion that is continuous with the wall.
13. The system of claim 1, wherein the structure is inflated by pressurizing the cavity.
- 14-18. (cancelled)
19. A photographic method, comprising:

providing an inflatable structure that defines a cavity having a wall colored to produce a chroma key colored background;
positioning a camera and a subject inside the cavity;
illuminating the subject with artificial lighting transmitted through the wall; and
photographing the thus illuminated subject against the background from the inside of the cavity.

20. The method of claim 19, wherein the subject comprises a person.

21. The method of claim 19, wherein the subject comprises a car.

22. The method of claim 19, further comprising positioning at least some photography-related equipment inside the cavity, and operating the equipment from outside the cavity.

23. The method of claim 19, wherein the step of providing the structure further comprises providing a floor portion that is an extension of the wall.

IX. Evidence Appendix

No evidence was submitted pursuant to §§ 1.130, 1.131, or 1.132.

X. Related Proceedings Appendix

No related proceedings are known to the applicant.